

**MINUTES OF THE
LEGISLATIVE MANAGEMENT COMMITTEE**
December 11, 2007 – 1:15 p.m. – W135 House Building

Members Present:

President John L. Valentine, Chair
Sen. Curtis S. Bramble
Sen. Gene Davis
Sen. Mike Dmitrich
Sen. Brent Goodfellow
Sen. Patricia W. Jones
Sen. Sheldon Killpack
Rep. David Litvack
Rep. David Clark
Rep. Brad King
Rep. Carol Spackman Moss
Rep. Gordon E. Snow

Members Absent:

Speaker Greg J. Curtis
Sen. Dan R. Eastman
Rep. Brad L. Dee

Staff Present:

Mr. Michael E. Christensen, Director
Ms. Gay Taylor, General Counsel
Ms. Beverlee LeCheminant, Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

President Valentine called the meeting to order at 1:05 p.m.

MOTION: Sen. Jones moved to approve the minutes of the November 13, 2007 meeting. The motion passed unanimously.

2. Use of Legislative General Counsel Before the State Records Committee

Gay Taylor stated that page nine of the mailing packet contains a Legislative Management policy that says that when a legislator is a plaintiff or seeking voluntary involvement before a court, administrative agency, or tribunal, in order for legislative general counsel to represent them, they need approval of this committee.

Ms. Taylor said that the case in point is Sen. Margaret Dayton who has been working with the State Office of Education (SOE) to try and get a copy of a Math Public School Partnership Grant that is funded by taxpayer dollars. Sen. Dayton verbally requested the grant, and in August made a formal written request. The request was denied by Carol Lear, the SOE records officer. Ms. Lear suggested that the grant application is protected because they will do similar grant applications in the future and making the successful bid public might give an unfair advantage to the person who viewed it. Sen. Dayton then filed an appeal with Patti Harrington, State Superintendent of Public Instruction, and she denied it on the same basis. Sen. Dayton then filed an appeal with the State Records Committee and that committee has scheduled a hearing on December 13, 2007. Sen. Dayton would like legal counsel from our office to appear with her at that hearing. Before our office can represent Sen. Dayton, it needs the approval of this committee. The principal argument Sen. Dayton has made as to why these records should be released is that procurement contracts with the state are public once they are awarded. This grant has been awarded, is paid for with public funds, and GRAMA does not appear to provide an exception as to why it would not be appropriate to allow it.

Legislative Management Committee
December 11, 2007
Page 2

MOTION: Sen. Killpack moved to approve the Office of Legislative Research and General Counsel's request to representation Senator Dayton before the State Records Committee. The motion passed unanimously.

6. Other Business

There was no other business discussed.

7. Adjourn

MOTION: Sen. Davis moved to adjourn the meeting. The motion passed unanimously.

President Valentine adjourned the meeting at 1:09 p.m.

